

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

YELLOW CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-11069 (CTG)

(Jointly Administered)

**NOTICE OF PERFECTION, MAINTENANCE, AND CONTINUATION OF LIENS OF  
MID-AMERICAN CONSTRUCTORS, LLC UNDER 11 U.S.C. § 546(b)**

Mid-American Constructors, LLC (“MAC”), a creditor and party-in-interest in the chapter 11 bankruptcy cases (the “Bankruptcy Cases”) of the above-captioned debtors and debtors-in-possession (the “Debtors”), files this *Notice of Perfection, Maintenance, and Continuation of Liens Under 11 U.S.C. § 546(b)* (the “Notice”) and respectfully represents the following:

1. On August 6 and 7, 2023 (the “Petition Date”), Yellow Corporation and its affiliated debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their business and manage their properties as debtors and debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

2. Prior to the Petition Date, MAC provided services, material, and/or equipment pursuant to a contract between MAC and debtor, YRC Inc. (“YRC”) in connection with the development and the construction of certain improvements to a tract of land in Fayette County, Kentucky (the “Land”). Debtor, YRC, is the owner of record of the Land and is the owner of certain improvements on the Land (collectively the “Property”).

3. MAC is owed \$384,360.00 for its work relating to the Property.

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<sup>1</sup> A complete list of each of the Debtors in these Chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of the Debtors’ principal place of business and the Debtors’ service address in these chapter 11 cases is: 10990 Roe Avenue, Overland Park, KS 66211.

4. As a result of its work, MAC recorded and served a contractor's lien (the "Contractor's Lien") in the Real Property Records of Fayette County, Kentucky, thereby perfecting a lien (the "Lien") against the Property. A true and accurate copy of the Contractor's Lien is attached hereto as **Exhibit 1**.

5. MAC hereby files this Notice of perfection and continuation of the Lien pursuant to Bankruptcy Code section 546(b). MAC files this Notice to apprise the Debtor and all other parties claiming an interest in the Property (including in all removables, improvements, proceeds, cash collateral, replacements, accessions, products, rents, and profits of the Property) of MAC's intent to continue, maintain, and/or enforce its Lien, rights, and interests and to comply with any and all present and/or future notice, perfection, maintenance, and enforcement requirements under the Bankruptcy Code, the Kentucky statutes, and the Kentucky constitution, and all other applicable non-bankruptcy law. Furthermore, MAC files this Notice to ensure that the perfected status of its Lien will be maintained and continued while these Bankruptcy Cases remain pending and the automatic stay under Bankruptcy Code 362 remains in place.

#### **Reservation of Rights**

6. The filing of this Notice shall not be construed as an admission that such filing is required under the Bankruptcy Code, the Kentucky statutes, the Kentucky constitution, or any other applicable law. Further, MAC reserves all its rights, interests, lien, and claims with respect to: (i) the work performed and the materials furnished by it, (ii) any and all agreements between MAC and the Debtor, (iii) the Property, (iv) the Lien, and (v) applicable law. Nothing in this Notice should be construed or deemed to waive any such rights, interests, lien, and claims, including, but not limited to, seeking relief from the stay.

Date: October 25, 2023  
Wilmington, Delaware

/s/ Karen M. Grivner

CLARK HILL PLC  
Karen Grivner (Bar No. 4372)  
824 N. Market Street, Suite 710  
Wilmington, DE 19801  
Telephone: (302) 250-4750  
Facsimile: (302) 421-9439  
Email: [kgrivner@clarkhill.com](mailto:kgrivner@clarkhill.com)

- and -

MYERS & MYERS, PLLC  
Rebecca J. S. Cassell (MI Bar No. P64456)  
915 N. Michigan Avenue, Suite 200  
Howell, MI 48843  
Telephone: (517) 540-1700  
Facsimile: (517) 540-1701  
Email: [rcassell@myers2law.com](mailto:rcassell@myers2law.com)

*Attorneys for Mid-American Constructors, LLC*

**EXHIBIT 1**

**202310250011**

FAYETTE CO. KY FEE \$52.00

RECORDED: 10/25/2023 08:14:30 AM

SIISAN I AMR

CI FRK

BY: BOBBIE MARSTELLA

DEPUTY CLERK

**BK: LB 47**

**PG: 129 - 135**

Instrument Prepared by:

  
D. Bryan Thomas, Esq.

**BRADLEY ARANT BOULT CUMMINGS LLP**

1600 Division Street, Suite 700

Nashville, Tennessee 37203

Phone: (615) 252-2318

dbthomas@bradley.com

**NOTICE OF CONTRACTOR'S LIEN**

**OWNER:**

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8136**

YRC Inc.

10990 Roe Estate and Properties

Overland Park, KS 66211

**Via Regular U.S. Mail:**

YRC Inc.

10990 Roe Estate and Properties

Overland Park, KS 66211

**LENDER:**

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8143**

JPMorgan Chase Bank, National Association

270 Park Avenue, Floor 4

New York, New York County, New York 10017

**Via Regular U.S. Mail:**

JPMorgan Chase Bank, National Association

270 Park Avenue, Floor 4

New York, New York County, New York 10017

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8198**

Wilmington Trust FSB, a Federal Savings Bank

c/o WT SP Services

3993 Howard Hughes Parkway, Suite 250

Las Vegas County, Nevada 89169

**Via Regular U.S. Mail:**

Wilmington Trust FSB, a Federal Savings Bank  
c/o WT SP Services  
3993 Howard Hughes Parkway, Suite 250  
Las Vegas County, Nevada 89169

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8150**

Wilmington Trust, National Association  
Rodney Square North  
1100 North Market Street  
Wilmington, Delaware 19890

**Via Regular U.S. Mail:**

Wilmington Trust, National Association  
Rodney Square North  
1100 North Market Street  
Wilmington, Delaware 19890

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8167**

Credit Suisse AG, Cayman Islands Branch  
Eleven Madison Avenue  
New York, New York 10010

**Via Regular U.S. Mail:**

Credit Suisse AG, Cayman Islands Branch  
Eleven Madison Avenue  
New York, New York 10010

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8174**

RBS Citizens, N.A.  
71 South Wacker Drive, Suite 2900  
Chicago, Illinois 60606

**Via Regular U.S. Mail:**

RBS Citizens, N.A.  
71 South Wacker Drive, Suite 2900  
Chicago, Illinois 60606

**COURTESY COPY:**

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8181**

Yellow Lexington, LLC  
135 South LaSalle Street  
Chicago, IL 60603

**Via Regular U.S. Mail:**

Yellow Lexington, LLC  
135 South LaSalle Street  
Chicago, IL 60603

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8112**

USF Holland LLC  
700 South Waverly  
Holland, MI 49423

**Via Regular U.S. Mail:**

USF Holland LLC  
700 South Waverly  
Holland, MI 49423

**Via Certified Mail:**

**No.: 7020 1290 0001 7412 8129**

Yellow Transportation, Inc.  
10990 Roe Avenue  
Overland Park, Kansas 66211

**Via Regular U.S. Mail:**

Yellow Transportation, Inc.  
10990 Roe Avenue  
Overland Park, Kansas 66211

**LIEN CLAIMANT:** Mid-American Constructors LLC  
4202 Pingree Road  
Howell, Michigan 48843

**OWNER:** YRC Inc.

**PROPERTY:** 460 Transport Ct  
Lexington, Kentucky 40511

**LIEN AMOUNT:** \$384,360.00

**WHEREAS**, pursuant to Mid-American Constructors LLC's (hereinafter, "Mid-American") agreement with the owner, YRC Inc. (hereinafter, "YRC"), Mid-American was contracted to construct and install certain improvements on real property located at **460 Transport Ct, Lexington, Kentucky 40511** (the "Property"), and more specifically described in the property description attached hereto as **Exhibit A**; and

**WHEREAS**, Mid-American furnished certain labor, material(s), equipment, and services, which were and have been incorporated into the improvements to the above-described real property; and

**WHEREAS**, Mid-American last performed work on the above referenced Property on June 9, 2023; and

**WHEREAS**, Mid-American has not been paid in full or otherwise fully compensated for the labor, equipment, material(s), and services provided to YRC and incorporated into the improvements to the above-described real property, and there remains an outstanding balance due and owing to Mid-American covered by this Notice of Contractor's Lien, in the amount of **Three Hundred Eighty-Four Thousand Three Hundred Sixty and 00/100 Dollars (\$384,360.00)**, after allowing all proper credits:

Invoice # 22-110:	\$9,700.00
Invoice # 22-111:	\$49,655.00
Invoice # 22-114:	\$4,810.00
Invoice # 22-140:	\$218,452.00
Invoice # 23-100:	\$66,226.00
Invoice # 23-101:	\$27,600.00
Invoice # 23-108:	\$7,917.00

**TOTAL:** \$384,360.00

; and

**WHEREAS**, a copy of this notice is being sent by Certified Mail Return Receipt to the above-referenced Owner and Lenders within the time prescribed by the laws of the State of Kentucky for Contractors' Liens; and



**NOW, THEREFORE**, Mid-American does hereby claim and give notice of Mid-American's Lien upon the real property described herein under the Contractors' Lien Laws of the State of Kentucky, in the above-stated sum.

**IN WITNESS WHEREOF**, Mid-American has caused this Notice of Contractor's Lien to be executed by the undersigned who has authority to act for Mid-American, and who does hereby make oath to the truth of all the foregoing statements.

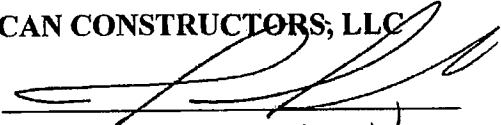
Dated this the 12<sup>th</sup> day of October, 2023.

**MID-AMERICAN CONSTRUCTORS, LLC**

Signature: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

  
JARRETT MINK H  
MEMBER

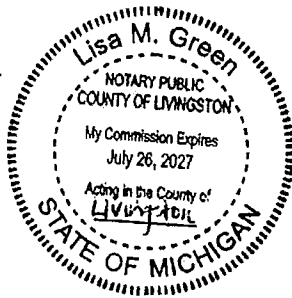
STATE OF Michigan )

COUNTY OF Livingston )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Tarrett Minch, with whom I am personally acquainted and who, upon oath, swears to the contents of this instrument and upon oath acknowledges himself/herself to be the Member of **Mid-American Constructors LLC**, and that he/she, as such authorized representative, being authorized to do so, executed and swears to the foregoing instrument for the purposes therein contained by signing the name of said **Mid-American Constructors LLC** by said Member as such authorized representative.

Sworn to and subscribed to before me on this the 12<sup>th</sup> day of October, 2023.

{SEAL}



Lisa M. Green

Lisa M. Green, Notary Public  
Livingston County, Michigan  
Acting in Livingston County, Michigan  
My Commission Expires: July 26, 2027

## **EXHIBIT A**

**Being all of Tract No. 4 of the Lexington Industrial Foundation Unit 1, as shown by plat thereof of record in Plat Cabinet A, Slide 100, in the Fayette County Clerk's Office, to which said plan reference is hereby made for a more particular description of the property herein conveyed; said premises being known and designated as 460 TRANSPORT COURT, Lexington, Kentucky; and**

**BEING the same property conveyed to YELLOW TRANSPORTATION, INC., an Indiana corporation, by YELLOW LEXINGTON, LLC, a Delaware limited liability company, by Quitclaim Deed dated October 8, 2003, of record in Deed Book 2407, Page 319, in the Fayette County Clerk's office. Yellow Transportation, Inc., an Indiana corporation, merged into Yellow Roadway Corp., a Delaware corporation, on October 1, 2008. Yellow Roadway Corp., a Delaware corporation, changed its name to YRC, INC., on October 1, 2008.**